

00-0-1641

(Do Not Write Above This Line)

AN ORDINANCE U-00-35
BY: ZONING COMMITTEE

AN ORDINANCE GRANTING A SPECIAL
USE PERMIT FOR A TELECOMMUNICATIONS
TOWER (SECTION 16-08.005(1)(h)),
PROPERTY LOCATED AT 1245-1345
DONNELLY AVENUE, S.W., FRONTING
1916.87 FEET ON THE NORTHEASTERLY
SIDE OF DONNELLY AVENUE BEGINNING
840 FEET SOUTHEASTERLY FROM
THE NORTHEAST CORNER OF CASCADE
AVENUE. DEPTH: 240 FEET;
AREA: APPROXIMATELY 11 ACRES;
LAND LOT 139, 14TH DISTRICT,
FULTON COUNTY, GEORGIA.
OWNER: DONNELLY PARTNERS, LLP
APPLICANT: E. ALLEN RICHARDSON,
ATTORNEY
NPU-T COUNCIL DISTRICT 4

FILED DEC 04 2000
CITY COUNCIL

- ☐ CONSENT REFER
☒ REGULAR REPORT REFER
☐ ADVERTISE & REFER
☐ 1st ADOPT 2nd READ & REFER

Date Referred 10-16-00

Referred To: ZRB i Zoning

First Reading

Committee Zoning
Date 10-10-00
Chair Debra Starnes

Committee Zoning	Committee
Date 11-28-00	Date
Chair Debra Starnes	Chair
Actions	Actions
Fav, Adv, Held (see rev. side)	Fav, Adv, Held (see rev. side)
Other	Other
Members	Members
Refer To	Refer To

Committee	Committee
Date	Date
Chair	Chair
Actions	Actions
Fav, Adv, Held (see rev. side)	Fav, Adv, Held (see rev. side)
Other	Other
Members	Members
Refer To	Refer To

COUNCIL ACTION

☒ 2nd ☐ 1st & 2nd ☐ 3rd
Readings

☐ Consent ☐ V Vote ☒ RC Vote

CERTIFIED

DEC 4 2000
ATLANTA CITY COUNCIL PRESIDENT
Randy Johnson

CERTIFIED
DEC 04 2000
Randy Johnson
MUNICIPAL CLERK

MAYOR'S ACTION

City Council
Atlanta, Georgia

00-1641

AN ORDINANCE
BY: ZONING COMMITTEE

U-00-35
9/12/00

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF ATLANTA, GEORGIA, as follows:

SECTION 1. Under the provisions of Section 16-08.005(1)(h) of the Zoning Ordinance of the City of Atlanta, a Special Use Permit for a **Telecommunications Tower** is hereby approved. Said use is granted to **Nextel Communications** and is to be located at **1245-1345 Donnelly Avenue, S.W.**, to wit:

ALL THAT TRACT or parcel of land lying and being in Land Lot 139 of the 14th District, Fulton County, Georgia, being more particularly described by the attached legal description.

SECTION 2. That this amendment is approved under the provisions of Section 16-25.003 of the Zoning Ordinance of the City of Atlanta, entitled, "Special Use Permits, Procedural Requirements," and the Director, Bureau of Buildings, shall issue a building permit only in compliance with the applicable provisions of this part. The applicable conditional site plan and any other conditions hereby imposed are enumerated by attachment. The Special Use Permit hereby approved does not authorize the violation of any zoning district regulations. District regulation variances can be approved only by application to the Board of Zoning Adjustment.

SECTION 3. That all ordinances or parts of ordinances in conflict with the terms of this ordinance are hereby repealed.

CONDITIONS FOR U-00-35

- 1) Site plan entitled "Site Development Plan for Nextel, Nextel Communications, Site Name: "Westwood", Site Number: GA -1987-D, Location in Atlanta, Fulton County, Georgia, July, 2000" prepared by Construction Engineering Services, Inc., dated July 10, 2000 and marked received by the Bureau of Planning September 12, 2000.

U-00-34
35

Donnelly Partners

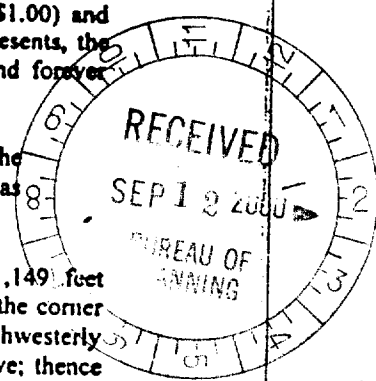
as party or parties of the first part, hereinafter called "Grantor", and

DONNELLY PARTNERS, L.L.P.

as party or parties of the second part, hereinafter called "Grantee" (the words "Grantor" and "Grantee" to include their respective heirs, successors and assigns where the context requires or permits).

11 AM:10:50
SUPERIOR COURT

WITNESSETH that: Grantor, for and in consideration of the sum of One Dollar (\$1.00) and other valuable considerations in hand paid at and before the sealing and delivery of these presents, the receipt whereof is hereby acknowledged, by these presents does hereby remise, convey and forever QUITCLAIM unto the said Grantee,



ALL THAT TRACT OR PARCEL OF LAND lying and being in Land Lot 139 of the 14th District of Fulton County, Georgia, and being more particularly described as follows:

BEGINNING at an iron pin on the Northeasterly side of Donnelly Avenue, 1,149 feet Northwesterly, as measured along the Northeasterly side of Donnelly Avenue, from the corner formed by the intersection of the Northeasterly side of Donnelly Avenue and the Northwesterly side of Lawton Street, if said corner were extended to form an angle instead of a curve; thence running North 54 degrees 59 minutes 46 seconds West along the Northeasterly side of Donnelly Avenue 1,916.87 feet to an iron pin located on the Northeasterly side of Donnelly Avenue, said iron pin being 840 feet Southeasterly as measured along the Northeasterly side of Donnelly Avenue from the corner formed by the intersection of the Northeasterly side of Donnelly Avenue and Cascade Avenue; thence North 35 degrees 0 minutes East, 478.30 feet to an iron pin; thence Southeasterly 448.93 feet along an arc (subtended by a chord having a direction of South 22 degrees 33 minutes 49 seconds East and a chord distance of 444.34 feet; thence running South 54 degrees 59 minutes 46 seconds East 1,541.87 feet to a point; thence running South 35 degrees 00 minutes 14 seconds West, 240 feet to a point on the Northeasterly side of Donnelly Avenue, same being the POINT OF BEGINNING. Said property being also described in a certain plat of survey prepared for Donnelly Partners by D.W. Lynah Surveyors, dated January 17, 1986 and revised May 1, 1986, said plat being incorporated herein by reference.

This conveyance is made subject to all covenants, easements and restrictions of record.

This Indenture is given by Grantor to Grantee to correctly vest title in Grantee, which has selected L.L.P. status pursuant to that certain Election to become a Limited Liability Partnership, dated December 24, 1996, filed December 26, 1996 at 3:05 p.m., Partnership Book 14, page 67, Fulton County, Georgia Records.

TO HAVE AND TO HOLD the said premises to Grantee, so that neither Grantor nor any person or persons claiming under Grantor shall at any time, by any means or ways, have, claim or demand any right, title or interest to said premises or appurtenances, or any rights thereof.

IN WITNESS WHEREOF, Grantor has signed and sealed this deed, the day and year first above written.

Signed, sealed and delivered in the presence of:

Witness

ROBERT A. SCARMAZZO

(SEAL)

ROBERT B. LAMUTT

(SEAL)

Notary Public

[Affix notarial seal or stamp] 8-25-97



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RCS# 2489
12/05/00
12:58 AM

Atlanta City Council

Regular Session

MULTIPLE

00-O-1451 ; 00-O-1635; & 00-O-1641

FILE

YEAS: 14
NAYS: 0
ABSTENTIONS: 0
NOT VOTING: 1
EXCUSED: 0
ABSENT 1

Y McCarty
Y Starnes
Y Bond
Y Winslow

Y Dorsey
Y Woolard
Y Morris
Y Muller

Y Moore
Y Martin
Y Maddox
Y Boazman

B Thomas
Y Emmons
Y Alexander
NV Pitts

MULTIPLE